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10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 \* \* \*

13 UNITED STATES OF AMERICA,  
14  
15 Plaintiff,  
16  
17 vs.  
18 QUY NGUYEN,  
19 Defendant.

CASE NO. 2:13-cr-147-LDG-GWF

**UNOPPOSED MOTION TO CONTINUE  
SELF-SURRENDER DATE (FIRST  
REQUEST)**

20 **COMES NOW** DEFENDANT QUY NGUYEN, by and through ERICK M. FERRAN,  
21 ESQ., counsel for the Defendant, and files the instant Motion To Continue Self-Surrender Date  
22 (First Request). The undersigned has contacted the United States Attorneys' Office, who does  
23 not oppose this motion, as set forth further herein. Defendant has maintained excellent contact  
24 with his Pre-Trial Officer and has never been violated while on pre-trial release. Defendant  
25 continues to excel while on Pre-Trial release, and seeks only a limited extension of the self-  
26 surrender date for the reasons set forth herein. Defendant requests a sixty (60) day extension of  
27 his surrender date until the first week of March, 2017, for surrender to the USP Lompoc facility  
28 designated by the Bureau of Prisons.

1 This Motion is made and based upon all pleadings and papers filed herein, as well as the  
2 following Points and Authorities and any oral argument permitted by this Honorable Court.

3 **DATED** this 4<sup>th</sup> day of January, 2017

4 /s/ Erick M. Ferran, Esq.  
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10 **POINTS AND AUTHORITIES**

11 **I. Summary of Procedural History/Plea Agreement/Sentencing**

12 Pursuant to a plea agreement, filed on July 11, 2016, Defendant QUY NGUYEN pled  
13 guilty to the following: 1) one count of Conspiracy to Distribute a Controlled Substance—  
14 Marijuana, in violation of 21 U.S.C. 841(a)(1),(b)(1)(C), and 846, and 2) one count of  
15 Conspiracy to Distribute a Controlled Substance, THC, in violation of 21 U.S.C. 841(a)(1),  
16 (b)(1)(C), and 846. Pursuant to the plea agreement, any and all remaining counts against Mr.  
17 Nguyen would be dismissed.  
18

19  
20 Sentencing in this matter was set for October 13, 2016. At the time, Mr. Nguyen  
21 received a sentence of 27 months per counts one and two, to run concurrent. He was also  
22 sentenced to supervised release as well as certain additional conditions, including forfeiture of  
23 certain funds involved in the case. Mr. Nguyen was ordered to surrender by January 13, 2017 to  
24 USP Lompoc.  
25

26 As the Court is aware, Mr. Nguyen has been a model Defendant while on release,  
27 maintaining full-time employment, being a business owner, and in the meantime expecting his  
28 first child. Unfortunately, Mr. Nguyen's wife recently miscarried the child, and he has been

1 assisting her in the aftermath of this tragedy. Mr. Nguyen makes this one-time limited request  
2 for a brief extension of his self-surrender date in order to assist his wife, and, further, to finalize  
3 the sale of his business and his tax returns related thereto.

4 The undersigned has contacted the United States' Attorney's office, who does not oppose  
5 the request if the Court were to approve it. Defendant has cooperated fully with pre-trial  
6 services, has remained trouble free, and makes this good-faith request to the Court.  
7

### 8 **ARGUMENT**

9 Quy Nguyen now stands before this Honorable Court having been sentenced to a  
10 custodial term of 27 months. Mr. Nguyen has made his best efforts to comply with any directive  
11 of the Court, and any directive from Pre-Trial Services. He has maintained full-time  
12 employment, has remained trouble-free, and has taken every step to demonstrate to this Court the  
13 substantial changes he has made to his life.  
14

15 Mr. Nguyen makes the respectful request that the Court, in consideration of the totality of  
16 the circumstances here, continue his self-surrender date until any time during the week of March  
17 6, 2017, roughly sixty (60) days from the date of his current self-surrender deadline. Mr.  
18 Nguyen has given this Court absolutely no indication of improper delay or improper behavior; to  
19 the contrary, he has been a model candidate on pre-trial release, and has strived to change his  
20 ways.  
21

22 The reasons underlying the request are simple in nature, and are set forth above. Mr.  
23 Nguyen, who was expecting his first child, had tragedy strike when his wife lost their child. He  
24 wishes only to assist her in her difficult time, and, further, is trying to wind up his affairs and sell  
25 a remaining business and complete any remaining tax obligations for the business. As such, the  
26 request is made on these grounds.  
27  
28

1 The undersigned has been in contact with the Government regarding the motion, and the  
2 Government does not oppose the request if granted by the Court. Mr. Nguyen has been in  
3 compliance with all court proceedings, with pre-trial, and has fully accepted responsibility in this  
4 case as well as the inevitability of his custodial sentence.

5 **CONCLUSION**

6  
7 Quy Nguyen stands before this Honorable Court requesting a brief extension of his self-  
8 surrender date for approximately sixty (60) days, to the week of March 6, 2017. Mr. Nguyen  
9 makes this request in good faith, and has demonstrated to this Court with an excellent pre-trial  
10 history that he is deserving of the requested extension.

11 DATED this 4<sup>th</sup> day of January, 2017.

12  
13 /s/ Erick M. Ferran, Esq.  
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21 Erick.ferran@hitzkelaw.com  
22 *Attorney for Defendant*

23 ORDER

24 IT IS SO ORDERED.

25 DATED this 5th day of January, 2017.

26  
27 

28  
Lloyd D. George  
U.S. District Judge